

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNION PACIFIC RAILROAD  
COMPANY,

Plaintiff(s),

v.

DAVID W DANNER, in his official  
capacity as Chair of the Washington  
Utilities and Transportation Commission, et  
al.,

Defendant(s).

CASE NO. 3:22-cv-05544-TL

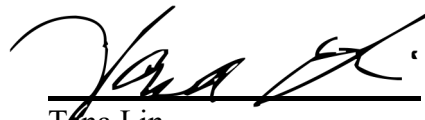
ORDER ON PLAINTIFF’S MOTION  
FOR LEAVE TO RESPOND TO  
DEFENDANT’S NOTICE OF  
SUPPLEMENTAL AUTHORITY

This matter is before the Court on Plaintiff Union Pacific Railroad Company’s motion for leave to file a response (Dkt. No. 23) to the notice of supplemental authority filed by Defendants David W Danner et al. (Dkt. No. 22) related to their pending Motion to Dismiss Plaintiff’s Amended Complaint (Dkt. No. 18). A party is allowed to file notice of supplemental authority related to a pending motion *without argument*. LCR 7(n). Defendants complied with this rule. The rule does not contemplate responsive briefing for such a notice. Nevertheless, Plaintiff attached its proposed responsive briefing to its motion for leave to respond to the notice, placing

1 its legal arguments regarding the supplemental authority on the record *without* first securing the  
2 Court's leave to do so.<sup>1</sup>

3 Consequently, the Court ORDERS Plaintiff's motion to be terminated, as it is essentially  
4 moot, and DIRECTS the Clerk to revise the docket entry at Dkt. No. 23 to reflect that it is  
5 Plaintiff's response to Defendant's notice of supplemental authority. Any future attempt by  
6 Plaintiff to circumvent the applicable rules without prior leave of the Court could result in  
7 sanctions. The Court further GRANTS Defendants leave to file a reply brief of **no more than 2**  
8 **pages**, if they so desire, by no later than **Monday, March 13, 2023**.

9 Dated this 9th day of March 2023.

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11   
12 Tana Lin  
13 United States District Judge  
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23 <sup>1</sup> The Court also notes that Plaintiff's motion does not contain a certification that the Parties met and conferred prior  
24 to its filing this non-dispositive motion, as required per Section II.D. of Judge Lin's Standing Order for All Civil  
Cases. All Parties are expected to comply with all relevant rules of this Court, including the standing order.